

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
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BRIAN G. MCNAMEE,

Plaintiff,

09 CV 1647 (SJ) (CLP)

v.

MEMORANDUM AND  
ORDER

ROGER CLEMENS,

Defendant.

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A P P E A R A N C E S

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JOHNSON, Senior District Judge:

On April 8, 2014, defendant William Roger Clemens (“Defendant” or “Clemens”) filed a Motion to Stay the April 2, 2014 order of this Court (the “Motion”) directing him to provide certain discovery to plaintiff Brian McNamee (“Plaintiff” or “McNamee”). Clemens indicated that he seeks this stay in aid of a “soon-to-be-filed petition for a writ of mandamus” (the “Petition”) with the Court of Appeals for the Second Circuit. (Dkt. No. 111 (“Mot. to Stay”) at 1.) To date, as far as this Court is aware, Clemens has not filed such Petition.

The discovery at issue was initially requested by McNamee in November of 2012 and Clemens has thrice now been ordered to turn over the documents.

This Court is not inclined to stay this already aged action in furtherance of Clements’ pursuit of a theoretical one. Therefore, Clemens’ motion is denied with leave to renew upon proof of filing the Petition with the Circuit Court. Clemens shall file on this Court’s docket a copy of the Petition, should he wish that his Motion to Stay be revisited before this Court.

It is also ordered that, by no later than the close of business on April 28, 2014, Clemens shall comply with Judge Pollak’s orders of September 18, 2013 and January 30, 2014, compelling production of the disputed documents.

SO ORDERED.

DATED: April 18, 2014  
Brooklyn, New York

\_\_\_\_\_/s/  
Sterling Johnson, Jr, U.S.D.J.